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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,460	09/15/2003	Melvin Pardue	1201-023/ddh	2197
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IPSOLON LLP			EXAMINER	
805 SW BROADWAY, #2740			BLAKE, CAROLYN T	
PORLTAND, OR 97205				
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tulsa

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,460	PARDUE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carolyn T. Blake	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 November 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 November 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is in response to applicant's amendment received on November 22, 2005.
2. The text of those sections in Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "all ridges except those ridges immediately adjacent said forward and rearward ends extend across the outer surface and terminate inwardly of the opposed side edges" (claims 1, 10, and 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has limited the claims to define "all ridges except those ridges immediately adjacent said forward and rearward ends extend across the outer surface and terminate inwardly of the opposed side edges." However, this is no original written support for this in the specification. In addition, while some of the figures show some of the ridges immediately adjacent the forward and rearward ends as having this feature, the figures are inconsistent and do not show this in all four corners such that it appears it is not a critical structure from the drawings. This is a new matter rejection.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-4 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al (D360,817), Khachatoorian et al (6,502,311), or Crank et al (2,240,397) in view of Kanzawa (D468,615), Glessner (5,689,890), or Cavanagh (610,471) and in further view of DeCarolis (D 299,413).

Moyer, Khachatoorian, and Crank all disclose handles for hand tools with single direction ridges for facilitating gripping of the tool during use. The ridges of Moyer, Khachatoorian, and Crank have a length extending in a direction generally transverse to the longitudinal axis such that no ridge overlaps any adjacent ridge along a line transverse to the longitudinal axis, and the ridge pattern includes no ridges extending generally along the longitudinal axis.

Moyer, Khachatoorian, and Crank all lack the two-direction ridge pattern formed on the outer surface, wherein the first ridges face the rearward end, and a plurality of second ridges face the forward end. However, Kanzawa, Glessner '615, Glessner '890, and Cavanagh all disclose that two directional ridge patterns on opposing sides of the tool, facing forwardly and rearwardly, on the tool handles that facilitate gripping the tool during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the one directional ridge pattern of Moyer, Khachatoorian, and Crank a two directional ridge pattern on each side of the tool,

wherein the ridge patterns of Moyer, Khachatoorian, and Crank would face forwardly and rearwardly in order to enhance a user's grip on a tool during use.

The above combinations fail to disclose the length of the ridges at the forward end of the handle is longer than the length of the rearward-facing ridges adjacent a center portion of the handle, and the length of the forward-facing ridges at the rearward end of the handle is longer than the length of the forward-facing ridges adjacent a center portion of the handle. However, DeCarolis teaches a handle for a hand tool wherein the length of ridges at the forward end of the handle is longer than the length of the ridges adjacent a center portion of said handle, and the length of the ridges at the rearward end of the handle is longer than the length of the ridges adjacent a center portion of the handle. The length of the ridges on the DeCarolis device is the result of the ergonomic handle design featuring a center indentation so as to comfortably fit in a user's hand. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ridge length as claimed on the modified device of Moyer, Khachatoorian, and Crank for the purpose of providing an ergonomic grip.

Regarding the limitation the ridges except those ridges immediately adjacent said forward and rearward ends extend across the outer surface and terminate inwardly of the side edge, the above combinations do not expressly disclose this feature. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to arrange the ridges as claimed because Applicant has not disclosed that this particular ridge pattern provides an advantage, is used for a

particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the ridges of the cited prior art because all of these ridge patterns provide anti-slip gripping surfaces for a user. Therefore, it would have been an obvious matter of design choice to modify the above combinations to obtain the invention as specified in claim 1, 10, and 16.

As to claim 2, the modified device of Moyer, Khachatoorian, and Crank all disclose the invention substantially as claimed except for the first ridges are located toward the forward end, which face rearwardly, and the second ridges are located toward the rearward end, which face forwardly, of the handle. However, Glessner '890 discloses that it is old and well known in the art to use first ridges that are located toward the forward end (the left side) and face rearwardly of the handle and second ridges that are located toward the rearward end and face forwardly (the right side) for the purpose of reducing slippage in multiple directions.

As to claims 3 and 4, see FIG 4 of Moyer, FIG 1 of Crank, and FIG 1 of Khachatoorian.

As to claims 7, 12, and 19, the modified devices of Moyer, Khachatoorian, and Crank lack the neutral zone between the forward facing ridges and the rearward facing ridges, wherein the neutral zone comprises a portion of the outer surfaces having no ridges. However, Glessner '378 and Kanzawa both disclose the use of a neutral zone for the purpose of separating the opposing ridges to increase the effectiveness of the gripping surface. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to use a neutral zone in order to separate the opposing ridges to increase the effectiveness of the gripping surface.

As to claim 8, the modified devices of Moyer, Khachatoorian, and Crank lack the ridges being arcuate; however, Cavanagh discloses that it is old and well known in the art to have the outer surface of the ridges when viewed together as being arcuate in order to increase the gripping resistance between the user and the handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the outer surface of the ridges of the modified devices of Moyer, Khachatoorian, and Crank create an arcuate outline in order to increase the effectiveness of the gripping force between the user and the handle.

As to claims 13 and 20, the modified devices of Moyer, Khachatoorian, and Crank lack a retaining clip with a first end attached to the handle and a second end contacting the handle, wherein the second end of the clip contacts the handle in the neutral zone. However, Glessner '890 discloses that it is old and well known in the art to use retaining clips (90) with a first end attached to the handle and a second end contacting the handle in order to facilitate carrying the tool. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a retaining clip with the modified devices of Moyer, Khachatoorian, and Crank in order to facilitate carrying the tool. Furthermore, it would have been an obvious matter of design choice to shorten the length of the clip such that it contacts the neutral zone (24) in order to limit the amount of interference of the clip with the gripping surface because such a modification would have involved a mere change in the size of the component.

A change in size is generally recognized as being within the level of ordinary skill in the art.

As to claim 14, the angle between the first sloping surface and the second face is shown as less than 90 degrees.

As to claim 15, the face surface defines a plane that is substantially transverse to the handle plane as shown.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al in view of Kanzawa, Glessner ('378 or '890), or Cavanagh and DeCarolis as applied to claims 1-4 above in further view of the following.

The modified devices of Moyer in FIGS 2 and 4 shows a valley between each ridge, wherein the first sloping surface extends from the valley to the ridge in the direction from the forward end toward the rearward end and from the rearward end toward the forward end depending up on the side of the protuberance.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosemeier et al (4,295,495) and Oshtsubo et al (6,886,262) are cited for disclosing devices wherein ridges immediately adjacent forward and rearward edges extend further across the width of the handle than those ridges in between. See FIG 1 in Rosemeier et al and FIG 2(b) in Oshtsubo et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-

4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CFJ

CB  
December 13, 2005



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